

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THERON KENNETH HOLSTON,
Plaintiff,
v.
G. VIERA ROSA,
Defendant.

No. 2:20-cv-01076-KJM-CKD P

ORDER

Plaintiff is a county inmate proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. A review of the docket indicates that plaintiff filed a motion for summary judgment on October 2, 2021, which is still pending. ECF No. 67. On October 8, 2021, the court issued an order modifying the discovery and scheduling order governing this case. ECF No. 68. The discovery cut-off date was extended to January 7, 2022 and the dispositive motions deadline was reset to April 4, 2022. ECF No. 68. Plaintiff subsequently filed a motion for a stay of proceedings and defendant filed a motion for an extension of time to oppose plaintiff's summary judgment motion. ECF Nos. 69, 70. The court will address each motion, albeit in reverse chronological order.

Turning first to defendant's motion for an extension of time, it appears to the court that plaintiff's summary judgment motion is premature because it was filed months before the close of

1 the discovery period. In light of the ongoing discovery in this case as well as the recent re-
2 assignment of this case to a different Deputy Attorney General, the court finds good cause to
3 grant defendant's motion for an extension of time to oppose plaintiff's motion for summary
4 judgment. Defendant's opposition to plaintiff's motion for summary judgment shall be filed no
5 later than April 4, 2022.

6 As the court understands plaintiff's motion for a stay, he seeks an extension of time to file
7 a second amended complaint until his motion for summary judgment is ruled upon. ECF No. 69.
8 So construed, the motion is denied. To the extent that plaintiff seeks to amend his complaint to
9 challenge his current parole conditions, the court's denial is without prejudice to the filing of a
10 separate civil action challenging such conditions.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's motion for a stay (ECF No. 69) is denied.
- 13 2. Defendant's motion for an extension of time (ECF No. 70) is granted. Defendant's
14 opposition to plaintiff's motion for summary judgment shall be filed no later than
15 April 4, 2022.

16 Dated: November 23, 2021

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18 CAROLYN K. DELANEY
19 UNITED STATES MAGISTRATE JUDGE
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